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11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California
15 Corporation,

16 Plaintiff,

17 v.

18 CARRINI, INC., individually and d/b/a
19 "Bucco," a New Jersey Corporation;
20 SUSIE'S DEALS, a business entity of form
21 unknown; JAINSON'S INTERNATIONAL,
22 INC., a California Corporation; DAISY
23 SHOPPE, a business entity of form unknown;
24 J ONE TRADING, INC., a California
25 Corporation; DR. JAY'S, INC., a New Jersey
26 Corporation; and DOES 1 through 10,

27 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

28 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to
this honorable Court for relief based on the following:

1 8. Plaintiff is informed and believes and thereon alleges that Defendant
2 DAISY SHOPPE (“DAISY”) is a business entity of form unknown, with its
3 principal place of business located at 440 Shops at Mission Viejo, Mission Viejo,
4 California 92691, and is doing business in and with the state of California.

5 9. Plaintiff is informed and believes and thereon alleges that Defendant J ONE
6 TRADING, INC. (“J ONE”) is a corporation organized and existing under the laws
7 of the state of California, with its principal place of business located at 2414 S.
8 Broadway Los Angeles, California 90007, and is doing business in and with the state
9 of California.

10 10. Plaintiff is informed and believes and thereon alleges that Defendant DR.
11 JAY’S, INC. (“DR JAYS”) is a corporation organized and existing under the laws of
12 the state of New Jersey, with its principal place of business located at 19 West 34th
13 Street New York, New York 10001, and is doing business in and with the state of
14 California.

15 11. Plaintiff is informed and believes and thereon alleges that Defendants
16 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
17 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,
18 or have engaged in one or more of the wrongful practices alleged herein. The true
19 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
20 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
21 by such fictitious names, and will seek leave to amend this Complaint to show their
22 true names and capacities when same have been ascertained.

23 12. Plaintiff is informed and believes and thereon alleges that at all times
24 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
25 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
26 at all times acting within the scope of such agency, affiliation, alter-ego relationship
27 and/or employment; and actively participated in or subsequently ratified and/or

1 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
2 circumstances, including, but not limited to, full knowledge of each violation of
3 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

4 **CLAIMS RELATED TO DESIGN NO. 64893**

5 13. Plaintiff owns an original two-dimensional artwork used for purposes of
6 textile printing entitled 64893 ("Subject Design") which has been registered with the
7 United States Copyright Office.

8 14. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
9 bearing Subject Design to numerous parties in the fashion and apparel industries.

10 15. Plaintiff is informed and believes and thereon alleges that following its
11 distribution of Subject Design, SUSIE, DAISY, J ONE, CARRINI, DR JAYS,
12 JAINSON, DOE Defendants, and each of them distributed and/or sold fabric and/or
13 garments featuring a design which is substantially similar to Subject Design
14 (hereinafter "Subject Product") without Plaintiff's authorization, including but not
15 limited to products sold by

- 16 a. SUSIE under SKU 10031110 and bearing the label "dizzylizzy" and
17 RN 69654, indicating that it was manufactured by or for JAINSON.
18 b. DAISY under SKU 204813 and bearing the label "Daisies" and RN
19 131114, indicating that it was manufactured by or for J ONE.
20 c. DR JAYS under Product I.D. 1487561 and bearing the label
21 "Bucco," indicating that it was manufactured by or for CARRINI.

22 16. An image of Subject Design and an exemplar of Subject Product are set
23 forth hereinbelow:
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Subject Design



Subject Product



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

17. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

18. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

19. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of

1 them, has an ongoing business relationship with Defendant retailers, and each of
2 them, and supplied garments to said retailers, which garments infringed the Subject
3 Design in that said garments were composed of fabric which featured unauthorized
4 print designs that were identical or substantially similar to the Subject Design, or
5 were an illegal modification thereof.

6 20. Plaintiff is informed and believes and thereon alleges that Defendants, and
7 each of them, infringed Plaintiff's copyright by creating, making and/or developing
8 directly infringing and/or derivative works from the Subject Design and by
9 producing, distributing and/or selling Subject Products through a nationwide
10 network of retail stores, catalogues, and through on-line websites.

11 21. Due to Defendants', and each of their, acts of infringement, Plaintiff has
12 suffered damages in an amount to be established at trial.

13 22. Due to Defendants', and each of their, acts of copyright infringement as
14 alleged herein, Defendants, and each of them, have obtained profits they would not
15 otherwise have realized but for their infringement of the Subject Design. As such,
16 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
17 attributable to the infringement of the Subject Design in an amount to be established
18 at trial.

19 23. Plaintiff is informed and believes and thereon alleges that Defendants, and
20 each of them, have committed copyright infringement with actual or constructive
21 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
22 and continue to be, willful, intentional and malicious.

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiff prays for judgment as follows:

- 25 a. That Defendants—each of them—and their respective agents and
26 servants be enjoined from importing, manufacturing, distributing,
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1 offering for sale, selling or otherwise trafficking in any product that
2 infringes Plaintiff's copyrights in Subject Designs;

- 3 b. That Plaintiff be awarded all profits of Defendants, and each of them,
4 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
5 or, if elected before final judgment, statutory damages as available under
6 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 7 c. That Plaintiff be awarded its attorneys' fees as available under the
8 Copyright Act U.S.C. § 101 et seq.;
- 9 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 10 e. That Plaintiff be awarded the costs of this action; and
- 11 f. That Plaintiff be awarded such further legal and equitable relief as the
12 Court deems proper.

13 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
14 38 and the 7th Amendment to the United States Constitution.

15 Dated: September 2, 2015

DONIGER/BURROUGHS

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17 By: /s/ Stephen M. Doniger
18 Stephen M. Doniger, Esq.
19 Howard S. Han, Esq.
20 Attorneys for Plaintiff
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